



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

OSWALDO ENRIQUE VASQUEZ, } Case No. SACV 08-00986 GAF (AN)

Petitioner,

v.

J. HARTLEY, WARDEN,

Respondent.

} ORDER APPROVING AND ADOPTING
REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the file, including the
Magistrate Judge's Report and Recommendation ("R&R") and Petitioner's Objections
thereto, *de novo*. IT IS ORDERED that:

1. Petitioner's Objections are overruled because they do not show any part of the Magistrate Judge's analysis in the R&R is erroneous or contrary to law.
2. The R&R is approved and adopted.
3. Petitioner's request to voluntarily dismiss the upper term sentencing claim is granted and this claim is dismissed without prejudice.
4. Petitioner's request to stay the Petition is denied as moot.
5. Judgment shall be entered denying the remaining consecutive sentencing error claim and dismissing the Petition with prejudice.

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6. Any other pending motions are denied as moot and terminated.

IT IS FURTHER ORDERED that the Clerk of the Court shall serve a copy of this Order and the Judgment on all counsel or parties of record.

Dated: March 31, 2009

**GARY ALLEN FEESS
UNITED STATES DISTRICT JUDGE**

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